

REMARKS/ARGUMENTS

Claims 1-9 are pending, claims 4-9 having been withdrawn from consideration. By this Amendment, claims 1-3 are amended. Support for the amendments to claims 1-3 can be found, for example, in original claims 1-3. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Withdrawn Claims

For the reasons set forth below, Applicants submit that all pending claims presently subject to examination are in condition for allowance. Because withdrawn claims 4-9 depend from, and thus recite all features of, allowable claim 1, rejoinder and allowance of claims 4-9 are respectfully requested.

Rejection Under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 1-3 as indefinite under 35 U.S.C. §112, second paragraph. By this Amendment, claim 1 is amended to obviate the rejection. Claims 2 and 3 are rejected solely for their dependency from claim 1. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Rejections Under 35 U.S.C. §102

A. Naitou

The Office Action rejects claims 1-3 under 35 U.S.C. §102(a) over U.S. Patent Application Publication No. US 2006/0041168 to Naitou et al. ("Naitou"). Applicants respectfully traverse the rejection.

Claim 1 recites "[a] method for producing a catalyst ... preparing a ... (liquid I); (ii) preparing a ... (liquid II); (iii) preparing a mixture of the liquid I and the liquid II by: introducing one of the liquid I and the liquid II (liquid PR) into a tank (tank A), subsequently pouring the other of the liquid I and the liquid II (liquid LA) into the tank already containing the liquid PR, the liquid LA is poured into the tank A so that when the liquid LA contacts the liquid PR the contact occurs at a continuous region on a surface of the liquid PR, and the continuous region comprises 0.01 to 10% of an entire surface area of the liquid PR in the tank A; and (iv) drying and calcining the resultant solution or slurry containing a catalyst precursor ..." (emphasis added). Naitou does not disclose or suggest such a method.

Naitou discloses a method in which a liquid A is prepared, a liquid B is prepared, the liquid A and the liquid B are combined, and the resulting mixture is dried and calcined. *See Naitou*, paragraphs [0015] to [0045]. The method of Naitou differs from the method of claim 1 in the manner that the liquid A and the liquid B (the liquid I and the liquid II) are combined. Naitou specifies amounts of components and mixing times. *See Naitou*, paragraphs [0032] and [0033]. However, Naitou does not indicate specifically how the liquids physically contact each other at the time of mixing.

Claim 1 does not specify which of the liquid I and the liquid II should be poured into the tank A first – it can be either. However, the second liquid (liquid LA) that is poured into the tank contacts the liquid already in the tank (liquid PR) in a limited area on the surface of the liquid already in the tank. That is, the stream of the second liquid as it is poured into the tank has a particular size and shape relative to the surface area of the liquid that is already in the tank. Naitou does not remotely disclose or suggest exerting such control over the mechanics by which one liquid is poured into another liquid. Accordingly, Naitou fails to disclose or suggest each and every feature of claim 1.

The present inventors discovered that by pouring the liquids as described above and recited in claim 1, a catalyst with a high yield of methacrylic acid is obtained. *See* present specification, paragraph [0034]. While not being bound to any particular theory, it is believed that, due to the pouring mechanics, the local pH distribution in tank favorably acts to form an effective crystal structure for the oxidation of methacrolein and makes it possible to obtain a catalyst with a high yield of methacrylic acid. *See* present specification, paragraph [0034]. Naitou does not disclose the particular pouring technique of claim 1, or recognize the benefits stemming therefrom.

As explained, claim 1 is not anticipated by Naitou. Claims 2 and 3 depend from claim 1 and, thus, also are not anticipated by Naitou. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

B. JP 336

The Office Action rejects claims 1-3 under 35 U.S.C. §102(b) over JP 2000-296336 ("JP 336"). Applicants respectfully traverse the rejection.

Claim 1 is set forth above. JP 336 does not disclose or suggest such a method. JP 336, like Naitou as discussed above, does not remotely disclose or suggest exerting control over the mechanics by which one liquid is poured into another liquid, as required by claim 1. Accordingly, JP 336 fails to disclose or suggest each and every feature of claim 1.

As explained, claim 1 is not anticipated by JP 336. Claims 2 and 3 depend from claim 1 and, thus, also are not anticipated by JP 336. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

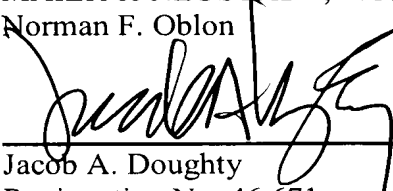
Conclusion

For the foregoing reasons, Applicants submit that claims 1-3 are in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

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